Australian Capital Territory

Retirement Villages Regulation 2013

SL2013-5

made under the

Retirement Villages Act 2012

Republication No 12

Effective: 1 November 2025

Republication date: 1 November 2025

Last amendment made by A2025-22

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

About this republication

The republished law

This is a republication of the *Retirement Villages Regulation 2013*, made under the *Retirement Villages Act 2012* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 1 November 2025. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 1 November 2025.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register (www.legislation.act.gov.au). For more information, see the home page for this law on the register.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

Penalties

At the republication date, the value of a penalty unit for an offence against this law is $160 for an individual and $810 for a corporation (see *Legislation Act 2001*, s 133).

Australian Capital Territory

Retirement Villages Regulation 2013

made under the

Retirement Villages Act 2012

Contents

Page

Part 1 Preliminary

1 Name of regulation 2
3 Dictionary 2
4 Notes 2
5 Offences against regulation—application of Criminal Code etc 3

Part 2 Important concepts

6 Places not retirement village—Act, s 10 (1), def *retirement village*, par (b) (viii) 4

Part 3 Representations and information about retirement villages

6A General inquiry document—Act, s 23 (2) 5

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

		Page
7	Disclosure statement—Act, s 24 (3)	5
8	Copies of certain documents to be available—Act, s 29 (1) (k)	7

Part 4 Village contracts

Division 4.1 General

9	Prescribed rate of interest—Act, s 41 (5) (b)	9
10	Amount payable for legal and other expenses—Act, s 52 (3)	9
11	Condition report—Act, s 59	9
12	Renovations and alteration of fixtures and fittings—Act, s 63 (5) (b)	10
13	Contents of village contracts—Act, s 66 (1)	10
14	Prescribed rate of interest—Act, s 69 (b)	11

Division 4.2 Settling-in period for residents

15	Liability of former occupant if village contract ended during settling-in period—Act, s 73 (1) (d)	11
16	Maximum administration fee—Act, s 73 (4)	11

Part 5 General management of retirement villages

Division 5.1 Village rules

17	Village rules—Act, s 78 (2) (i)	12

Division 5.2 Certain obligations of operators

18	Safety inspection report—Act, s 91 (2) (h)	12
18A	Prevention of elder abuse strategy—Act, s 91 (2) (h)	12
18B	Prevention of elder abuse strategy—publication and availability	14
18C	Prevention of elder abuse strategy—review	14

Division 5.3 Certain rights of residents

19	Access to residential premises in village—Act, s 100 (3) (h)	15
20	Membership of residents committee—Act, s 104 (1)	15
21	Annual management meeting agenda—Act, s 108 (4)	16
22	Questions at annual meeting—Act, s 110 (3) (b)	17
23	Appointment of proxies—Act, s 116 (2)	18

Part 6 Financial management

Division 6.1 Capital maintenance and replacement

24	Capital item—Act, s 135 (1), def *capital item*, par (a) (iv)	19

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Page

25 Works not capital maintenance—Act, s 135 (1), def *capital maintenance*, par (c) 19
26 Matters not to be funded from capital works fund or recurrent charges—Act, s 141 (3) (e) 20
27 Capital works fund—Act, s 143 (4) 20
28 Use of capital works fund amounts—Act, s 144 (1) (c) 20
29 Minimum public liability insurance—Act, s 145 (4) 20

Division 6.2 Recurrent charges

30 Notice of fixed formula amendment—Act, s 149 (2) (c) 20
32 Notice of amendment—recurrent charges amended otherwise than by fixed formula—Act, s 150 (3) (e) 21
33 Information about recurrent charges not needed to be given—Act, s 153 (5) 23
34 Time to give information about recurrent charges—Act, s 153 (6) 23

Division 6.3 Proposed and approved annual budgets

35 Matters to be dealt with in proposed annual budget—Act, s 159 (5) (a) 24
36 Matters not to be financed by way of recurrent charges—Act, s 159 (5) (b) 25
37 Notice accompanying proposed annual budget—Act, s 159 (6) (d) 26
38 Limit on contingencies in annual budget—Act, s 164 27

Division 6.4 Annual accounts

39 Copies of audited accounts—Act, s 169 (8) (a) (ii) 27

Division 6.5 Surplus or deficit of accounts

40 Making good of deficit—Act, s 174 (3) (c) 28

Part 7 Disputes

Division 7.1 Dispute resolution

41 Representative for residents in dispute—Act, s 176 (2) 29

Division 7.2 ACAT—applications and orders

42 Time for making ACAT applications 29
43 ACAT applications by residents committee 29
44 ACAT may decide other party to application by operator 30
45 ACAT additional orders—Act, s 181 (1) (k) 30
46 Differential orders 30

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Page

Part 8 Ending residence contracts

Division 8.1 General principles about ending residence contracts

47 Time for giving notice to end contract—Act, s 184 (2) 31

Division 8.2 Uncollected goods

48 Meaning of *uncollected goods*—div 8.2 31

49 Disposal of perishable and certain other uncollected goods—Act, s 203 (1) (b) 32

50 Storage of other uncollected goods 32

51 Claiming uncollected goods 33

52 Disposal of uncollected goods after storage 34

53 Records and accounting 35

Part 9 Prescribed rates of interest

54 Prescribed rate of interest—Act, s 213 (3) 36

55 Prescribed rate of interest—Act, s 235 (6) (b) 36

56 Prescribed rate of interest—Act, s 237 (3) 36

57 Prescribed rate of interest—Act, s 238 (8) (b) 36

Part 10 Protection of ingoing contributions paid by residents other than registered interest holders

58 Refund of ingoing contribution—Act, s 241 (1) (b) 37

Part 11 Consent of residents

59 Conduct of written ballots generally—Act, sch 1, s 1.3 (1) (b) 38

60 When written ballot required—Act, sch 1, s 1.3 (2) 38

60A Conduct of written ballots for special resolutions—Act, sch 1, s 1.5 38

Part 12 Miscellaneous

61 Resident—Act, dict, def *resident*, par (b) (ii) 39

Schedule 1 Contents of village contracts 40

Part 1.1 Matter to be included in village contracts 40

1.1 Information to be included in village contract 40

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

		Page
1.1A	Time for payment of ingoing contribution instalments	41
Part 1.2	**Headings and additional matter to be included in village contracts**	42
1.2	Cooling-off period	42
1.3	Retirement village legislation	42
1.4	Ingoing contribution	43
1.5	Recurrent charges	43
1.6	Services and facilities	45
1.7	Fixtures, fittings and furnishings	46
1.8	Repairs and maintenance	46
1.9	Alterations and additions	46
1.10	Operator's access to premises	47
1.11	Village rules	47
1.12	Dispute resolution	47
1.13	Changes in operator	48
1.14	Ending the contract	48
1.15	Transfers	49
1.16	Departure fees	49
1.17	Capital gain or loss	50
1.18	Refund of payment to resident	50
1.19	Changes to this contract	51
1.20	Annexures	51
Schedule 2	**Matter to be excluded from village contracts**	52
2.1	Dispute resolution	52
2.2	Wills	52
2.3	Insurance	52
2.4	Legal, accounting and other expenses	52
2.5	Absences	53
2.6	Penalty terms	53
2.7	Exclusions	53
2.8	Recurrent charges	53
2.9	Disclaimers	53
2.10	Entire agreement	54

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Page

2.11 Current value of premises 54

Schedule 3 Time for making ACAT applications 55

Schedule 4 Conduct of written ballots 57

Part 4.1 Preliminary 57

4.1 Definitions—sch 4 57

Part 4.2 Conducting a written ballot 58

4.2 Application—pt 4.2 58

4.3 Election of returning officer 58

4.4 Conduct of written ballot 58

4.5 Counting and reporting votes 59

4.6 Returning officer's decision final 60

Part 4.3 Additional requirements for special resolution 61

4.7 Application—pt 4.3 61

4.8 Special resolution—notice 61

4.9 Special resolution—postal vote 62

4.10 Special resolution—quorum 62

Dictionary 64

Endnotes

1 About the endnotes 66

2 Abbreviation key 66

3 Legislation history 67

4 Amendment history 69

5 Earlier republications 72

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Australian Capital Territory

Retirement Villages Regulation 2013

made under the

Retirement Villages Act 2012

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Part 1 Preliminary

1 Name of regulation

This regulation is the *Retirement Villages Regulation 2013*.

3 Dictionary

The dictionary at the end of this regulation is part of this regulation.

Note 1 The dictionary at the end of this regulation defines certain terms used in this regulation, and includes references (***signpost definitions***) to other terms defined elsewhere in this regulation.

For example, the signpost definition '***uncollected goods***, for division 8.2 (Uncollected goods)—see section 48.' means that the term 'uncollected goods' is defined in that section.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire regulation unless the definition, or another provision of the regulation, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

4 Notes

A note included in this regulation is explanatory and is not part of this regulation.

Note See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

5 Offences against regulation—application of Criminal Code etc

Other legislation applies in relation to offences against this regulation.

Note 1 *Criminal Code*

The Criminal Code, ch 2 applies to all offences against this regulation (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg ***conduct***, ***intention***, ***recklessness*** and ***strict liability***).

Note 2 *Penalty units*

The Legislation Act, s 133 deals with the meaning of offence penalties that are expressed in penalty units.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Part 2 Important concepts

6 Places not retirement village—Act, s 10 (1), def *retirement village*, par (b) (viii)

The following are prescribed:

(a) a place where a service is provided by a provider of services within the meaning of the *Disability Services Act 1991*;

(b) housing provided by a community housing provider within the meaning of the *Housing Assistance Act 2007*.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Part 3 Representations and information about retirement villages

6A General inquiry document—Act, s 23 (2)

The general inquiry document must include a brief explanation of the following about the retirement village to which it relates:

(a) the residential premises, services and facilities of the retirement village;

(b) the main differences between a retirement village and a residential care home and how the services of the retirement village differ from those of a residential care home;

(c) if the village contract provides for departure fees—the departure fees;

(d) if the operator has a policy about access by residents to home care services—the policy.

Note Departure fees include deferred fees under the *Fair Trading (Retirement Villages Industry) Code of Practice 1999* (NI1999-277).

7 Disclosure statement—Act, s 24 (3)

(1) The disclosure statement must include the following information about the retirement village to which it relates:

(a) details of particular residential premises in the retirement village, including fees and charges payable in relation to the premises;

(b) the proximity of the village to services, for example, hospitals, shopping centres and public transport;

(c) information about whether the operator is a registered provider of a residential care home;

(d) a statement of how the services of the retirement village differ from those of a residential care home;

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(e) details about the ownership of the village, including whether a resident can own residential premises in the village;

(f) if a village contract for the retirement village includes provisions for sharing a capital gain between the operator and a resident—details of the provisions;

(g) information about the management of the village;

(h) whether the village has a residents committee and, if so, information about the committee;

(i) the financial management of the village, including details about the village's income and expenditure;

(j) information about the village's safety, including information about its security and emergency systems;

(k) the extent to which the operator has complied with legislation applying to the village, including the Act and the *Planning Act 2023*;

(l) village contracts the prospective resident will need to enter into to become a resident;

(m) the village rules;

(n) the facilities available to residents;

(o) services provided by the operator;

(p) costs associated with entering into a residence contract with the operator;

(q) a statement that a former occupant of residential premises in the village is not liable to refurbish (or pay the cost of refurbishment of) the premises;

(r) if the operator has a policy about access by residents to home care services—details of the policy;

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(s) information about any waiting list for the village and any waiting list fee payable;

(t) a statement to the effect that, to the best of the operator's knowledge, the information in the disclosure statement is true.

(2) The disclosure statement must be signed and dated by the operator.

(3) In this section:

refurbishment—see the Act, section 218.

8 Copies of certain documents to be available—Act, s 29 (1) (k)

The following documents are prescribed:

(a) if the operator of the retirement village and a residents committee were parties to a proceeding before a court or a tribunal in the previous 5 years—each decision or order made in relation to the proceeding and the reasons (if any) given by the court or tribunal in relation to the decision or order;

(b) if the operator of the retirement village operates a waiting list for the village and charges a waiting list fee—the operator's written policy setting out the way the waiting list operates;

(c) if the retirement village is subject to a company title scheme—whichever of the following governs the company:

(i) its constitution;

(ii) the replaceable rules set out in the Corporations Act;

(d) if the retirement village is subject to a community title scheme—

(i) the scheme's management statement; and

(ii) the management agreement (if any) relating to the village to which the relevant community association, neighbourhood association or precinct association is a party; and

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(iii) the minutes of the most recent annual general meeting of the relevant community association, neighbourhood association or precinct association;

(e) if the retirement village is subject to a units plan—

(i) the owners corporation rules for the plan; and

(ii) the management agreement (if any) relating to the village to which the owners corporation is a party; and

(iii) the minutes of the most recent annual general meeting of the owners corporation;

(f) every other document mentioned in the disclosure statement for the village under the heading 'Village Contracts'.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Part 4 Village contracts

Division 4.1 General

9 Prescribed rate of interest—Act, s 41 (5) (b)

The prescribed rate of interest is the rate prescribed under the *Court Procedures Rules 2006*, schedule 2, part 2.2 (Interest after judgment) in relation to the payment of interest on a judgment debt.

10 Amount payable for legal and other expenses—Act, s 52 (3)

The maximum amount payable is $200.

11 Condition report—Act, s 59

(1) This section applies to residential premises in a retirement village mentioned in the Act, section 59 (1) (Condition report for certain residential premises).

(2) The operator of the retirement village commits an offence if the operator does not inspect the premises and complete the condition report for the premises in accordance with this section.

Maximum penalty: 10 penalty units.

(3) The condition report for the premises must—

(a) be completed in the presence of the prospective resident or a person nominated by the prospective resident, unless otherwise authorised in writing by the prospective resident; and

(b) be completed to the best of the operator's knowledge; and

(c) if a date needed for the report is not known—include an approximate date and a statement to the effect that the date is approximate; and

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(d) be signed by—

(i) the operator; and

(ii) if the prospective resident agrees with the report—the prospective resident.

(4) The operator must allow the prospective resident at least 14 days to examine the report and suggest changes to it.

12 Renovations and alteration of fixtures and fittings—Act, s 63 (5) (b)

Fixtures and fittings in residential premises owned by a resident under a community title scheme, company title scheme or units plan are prescribed.

13 Contents of village contracts—Act, s 66 (1)

(1) A matter mentioned in schedule 1 (Contents of village contracts) must be included in a village contract.

(2) A matter mentioned in schedule 2 (Matter to be excluded from village contracts) must be excluded from a village contract.

(3) This section does not prevent the inclusion of additional matter in a village contract (other than matter inconsistent with the matter mentioned in schedule 1).

(4) This section does not apply to a residence contract relating to premises that are subject to a community title scheme, company title scheme or units plan.

(5) However, this section applies to a residence contract mentioned in subsection (4) if the operator of the village (or a close associate of the operator) is the seller under the residence contract.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

14 Prescribed rate of interest—Act, s 69 (b)

The prescribed rate of interest is the rate prescribed for the Act, section 41 (5) (b).

Note The rate for the Act, s 41 (5) (b) is prescribed by s 9.

Division 4.2 Settling-in period for residents

15 Liability of former occupant if village contract ended during settling-in period—Act, s 73 (1) (d)

The reasonable costs incurred in adding, removing or altering any fixtures or fittings, or making any renovations, to residential premises at the resident's request are prescribed.

16 Maximum administration fee—Act, s 73 (4)

The maximum administration fee prescribed is $200.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Part 5 General management of retirement villages

Division 5.1 Village rules

17 Village rules—Act, s 78 (2) (i)

The following matters are prescribed:

(a) security in the retirement village;

(b) the external appearance of residents' premises in the retirement village.

Division 5.2 Certain obligations of operators

18 Safety inspection report—Act, s 91 (2) (h)

The safety inspection report mentioned in the Act, section 91 (2) (g) (Operator to provide safe premises) must remain on the notice board for at least 1 month.

18A Prevention of elder abuse strategy—Act, s 91 (2) (h)

(1) The operator of a retirement village must prepare, and take all reasonable steps to give effect to, a written strategy for identifying and preventing elder abuse in the village (a ***prevention of elder abuse strategy***).

(2) The strategy must include the following:

(a) examples of common forms of elder abuse, including specific examples in relation to retirement villages;

(b) information about how to—

(i) identify elder abuse, including signs of elder abuse; and

(ii) prevent elder abuse;

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(c) information about how to respond to elder abuse or suspected elder abuse, including—

(i) how to report elder abuse or suspected elder abuse to the operator and the period within which the operator can be expected to respond to a report; and

(ii) how to make an older people service complaint to the human rights commission; and

(iii) how to report a matter to another suitable entity;

(d) an explanation of the roles and responsibilities of the operator and the operator's staff in relation to elder abuse in the village;

(e) information about how to access the services and resources of local service or support agencies;

Examples—local service or support agencies

1 Human Rights Commission

2 ACT Civil and Administrative Tribunal

(f) the date the strategy is finalised.

(3) In this section:

elder abuse, in a retirement village, means an act or omission by any person that causes or allows the exploitation, mistreatment, harm or neglect of a resident of the village.

older people service complaint—see the *Human Rights Commission Act 2005*, dictionary.

Note Under the *Human Rights Commission Act 2005*, a person may complain to the commission about a service for older people (see that Act, s 41), including a service provided by the operator of a retirement village (see that Act, s 53G).

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

18B Prevention of elder abuse strategy—publication and availability

(1) As soon as practicable after preparing a prevention of elder abuse strategy for a retirement village, the operator of the village must publish the strategy in a way that is likely to come to the attention of the following people:

(a) a resident of the village;

(b) an individual who accesses the village's website;

(c) an individual who tells the operator that the individual or a family member of the individual is interested in becoming a resident of the village.

(2) For subsection (1), the operator must—

(a) display a copy of the strategy on a notice board in a communal area within the village; and

(b) publish the strategy in any other way the operator considers appropriate.

Examples—par (b)

1 give each resident a copy of the strategy

2 publish the strategy on the village's website

3 include the strategy in a brochure about the village

(3) The operator must also take reasonable steps to ensure that all the operator's staff are familiar with the strategy.

(4) If a person asks the operator for its prevention of elder abuse strategy, the operator must make the strategy available to the person within 2 business days after the day the person asks for it.

18C Prevention of elder abuse strategy—review

(1) The operator of a retirement village must review village's prevention of elder abuse strategy at least once every 2 years from the day the strategy is published under section 18B (2).

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(2) If the operator makes any changes to the strategy as a result of a review under subsection (1)—

(a) the revised strategy is taken to be a new prevention of elder abuse strategy; and

(b) section 18B applies to the operator in relation to the new strategy.

Division 5.3 Certain rights of residents

19 Access to residential premises in village—Act, s 100 (3) (h)

The operator or authorised person may enter residential premises in the village in the following circumstances if the operator or authorised person has given the resident 2 days notice:

(a) to install a smoke alarm that is required by law to be installed in the premises;

(b) to replace a battery in a smoke alarm installed in the premises.

20 Membership of residents committee—Act, s 104 (1)

(1) A person may hold the same office on the residents committee for a retirement village for more than 3 consecutive years if—

(a) the retirement village has fewer than 20 residents; or

(b) the annual budget of the retirement village is less than $50 000; or

(c) the person is the only person standing for election to the office.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(2) Subsection (1) does not allow a person to hold the same office on a residents committee for more than 3 consecutive years if the director-general—

(a) has written to the residents committee objecting—

(i) generally to any person holding the same office on the committee for more than 3 consecutive years; or

(ii) to a stated person holding the same office for more than 3 consecutive years; and

(b) has not written to the residents committee to withdraw the objection.

(3) In this section:

hold the same office, on a residents committee for a retirement village, includes to hold an office performing the same (or substantially the same) functions on the committee.

Examples—office

president, treasurer, secretary

21 Annual management meeting agenda—Act, s 108 (4)

The following matters must be included in the agenda for an annual management meeting:

(a) a report on any expenditure in the previous financial year that was an amendment between items in the approved annual budget (other than a minor amendment);

(b) the future plans for the village, including any proposed improvements;

(c) the management of the village, including any change or proposed change to the management arrangements;

(d) safety issues;

(e) any proposed maintenance plans;

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(f) any changes to the proposed annual budget that do not need the residents' consent;

(g) any proposals to undertake capital works that have not been notified in the annual budget;

(h) any proposed changes to the level of service provided to residents of the village;

(i) time for questions, including questions from the floor of the meeting.

22 Questions at annual meeting—Act, s 110 (3) (b)

(1) The following excluded matters are prescribed:

(a) the personal affairs of the operator, an employee of the operator or a contractor engaged by the operator;

(b) any matter that is unrelated to the operation of the village;

(c) any matter in relation to individual sales or contracts that are not publicly available.

(2) Subsection (1) (a) does not prevent an operator or a representative of the operator from answering a question about the operator's solvency or financial viability.

(3) If the operator of a retirement village is an organisation that is subject to an approved privacy code or the Australian Privacy Principles under the *Privacy Act 1988* (Cwlth), a representative of the operator is not required to answer a question to the extent that the answer would disclose personal information in breach of the code or the principles.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

23 Appointment of proxies—Act, s 116 (2)

The appointment of a proxy is effective in relation to a meeting of the residents of a retirement village only if the completed form for the proxy is given to the chair of the meeting before a vote is taken at the meeting.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Part 6 Financial management

Division 6.1 Capital maintenance and replacement

24 Capital item—Act, s 135 (1), def *capital item*, par (a) (iv)

The following capital items in a retirement village, including those in residential premises in the village, are prescribed:

(a) fixtures;

(b) fittings;

(c) furnishings;

(d) non-fixed items.

Examples—par (a)

bench tops, built-in cupboards and wardrobes, floor coverings, hot water system, stove

Examples—par (b)

light fittings, taps, sanitary fittings

Examples—par (c)

curtains, blinds

Examples—par (d)

whitegoods, portable air conditioner, fan, tables, chairs

25 Works not capital maintenance—Act, s 135 (1), def *capital maintenance*, par (c)

The following works are prescribed:

(a) work done to substantially improve a capital item beyond its original condition;

(b) work done to maintain or repair a capital item in circumstances where it would have been more cost effective to replace the capital item.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

26 Matters not to be funded from capital works fund or recurrent charges—Act, s 141 (3) (e)

Work mentioned in section 25 is not authorised to be funded from the capital works fund or recurrent charges of a retirement village.

27 Capital works fund—Act, s 143 (4)

If the operator of a retirement village is a property trust or other corporation constituted by an Act, money in the capital works fund for the village may be held in a fund administered by the property trust or corporation.

28 Use of capital works fund amounts—Act, s 144 (1) (c)

The operator of a retirement village may use money from the capital works fund for a purpose (other than a purpose mentioned in the Act, section 144 (1) (a) or (b)) if—

(a) the residents of the village have, by special resolution, consented to the money being used for the purpose; and

(b) the use of the money for the purpose does not involve the funding of a matter mentioned in the Act, section 141 (3) (Funding of certain capital maintenance and capital replacement).

29 Minimum public liability insurance—Act, s 145 (4)

The amount of $10 000 000 is prescribed.

Division 6.2 Recurrent charges

30 Notice of fixed formula amendment—Act, s 149 (2) (c)

A notice of amendment of recurrent charges must include the following:

(a) the name of the resident and address of the residential premises affected;

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(b) the following statement as the first line of the notice in at least Arial bold font not less than 14 point:

‘**This is a notice of an amendment of recurrent charges according to a fixed formula.**’;

(c) the fixed formula stated in the contract and a demonstration, by an application of the formula, of the way the new recurrent charges have been calculated;

(d) the signature of the operator of the retirement village and the date of the signature.

32 Notice of amendment—recurrent charges amended otherwise than by fixed formula—Act, s 150 (3) (e)

A notice of amendment of recurrent charges given under the Act, section 150 (Recurrent charges amended otherwise than by fixed formula) must include the following:

(a) the name of the resident and address of the residential premises affected;

(b) the following statement as the first line of the notice in at least Arial bold font not less than 14 point:

‘**This is a notice of an amendment of recurrent charges (otherwise than in accordance with a fixed formula).**’;

(c) the following statements:

(i) you are not required to pay any increase in your recurrent charges unless this notice complies with the requirements of the Act, section 150 (Recurrent charges amended otherwise than by fixed formula);

(ii) any increase in recurrent charges does not take effect until at least 60 days after you receive this notice;

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(iii) this notice may be cancelled by a later notice and the later notice may provide for a lesser increase than any increase stated in this notice;

(iv) the operator of the village must not increase (or attempt to increase) the recurrent charges beyond any upper level stated in the village contract;

(v) the amendment of the charges does not take effect unless the residents whose recurrent charges will be affected by the amendment consent to it or the ACAT orders that it take effect;

(vi) the residents concerned must, within 30 days after receiving the notice, meet, consider and vote on the proposed amendment and tell the operator whether or not they consent to it;

(vii) if the operator is not told whether or not the residents consent to the proposed amendment within the 30-day period, the residents are taken to have refused consent;

(viii) the operator must give any information in relation to the proposed amendment that the residents committee or, if there is no residents committee, a resident reasonably requests for the purpose of deciding whether to consent to the amendment;

(ix) if the residents do not consent to the proposed amendment, the operator may apply to the ACAT for an order in relation to the proposed amendment;

(x) you may apply to the ACAT for an order directing the refund of overpaid recurrent charges on any grounds, including the ground that an increase in the charges came into effect otherwise than in accordance with the Act, division 7.3 (Recurrent charges) (which includes section 150);

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(xi) an application for an ACAT order must be made not later than 1 year after the day the increase came into effect;

(d) the signature of the operator of the retirement village and the date of the signature.

33 Information about recurrent charges not needed to be given—Act, s 153 (5)

The operator of a retirement village is not required to give the following information:

(a) information about the personal affairs of the operator, an employee of the operator or a contractor engaged by the operator;

(b) information that is unrelated to the operation of the village;

(c) information about individual sales or contracts that are not publicly available;

(d) if the operator of a retirement village is an organisation that is subject to an approved privacy code or the Australian Privacy Principles under the *Privacy Act 1988* (Cwlth)—information that would, if it were given, result in a breach of the code or those principles.

34 Time to give information about recurrent charges—Act, s 153 (6)

The operator of a retirement village must give information under the Act, section 153 (Residents consent to amendment) within 7 days after the information is first requested.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Division 6.3 Proposed and approved annual budgets

35 Matters to be dealt with in proposed annual budget—Act, s 159 (5) (a)

(1) The following matters must be dealt with in the proposed annual budget for a financial year for a retirement village:

(a) the amount of recurrent charges payable by residents of the village during the year (including any expected increases in those charges in line with a fixed formula);

(b) the method of calculating the amount of recurrent charges;

(c) the total expected income from recurrent charges for the village for the year;

(d) the effect of the expected surplus or deficit for the current year on the village's finances;

(e) all proposed categories of expenditure (without grouping together 2 or more unlike categories);

(f) the proposed expenditure on each proposed category, the proposed expenditure on each category as mentioned in the approved annual budget for the current year, and the likely actual expenditure on each category for the current year;

(g) if any expenditure (proposed or actual) is an apportionment of a total expenditure relating to the village and 1 or more other villages or businesses—the method of calculating the apportionment;

(h) if any residents of the village are paying significantly higher recurrent charges than other residents of the village—the method of calculating the apportionment between the categories of residents;

(i) the total proposed expenditure of the village for the year;

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(j) the expected surplus or deficit for the year.

Example—par (h)

a resident may pay significantly higher recurrent charges than other residents if the resident is receiving optional services

(2) If the annual budget includes costs associated with the operator's head office or management or administration fees, those costs must show the goods and services they relate to and the approximate cost of the goods and services.

36 Matters not to be financed by way of recurrent charges—Act, s 159 (5) (b)

(1) The following matters must not be financed by way of recurrent charges:

(a) fees for membership of industrial or professional associations;

(b) overseas travel by the operator of the retirement village or the operator's agent or employees;

(c) any costs associated with marketing vacant units within a retirement village, including costs that may have been included in wages or salaries;

(d) payroll tax, unless—

(i) the wages paid by the operator in relation to operating the retirement village are more than the threshold amount; or

(ii) the residents of the retirement village—

(A) before 4 March 2013, consented to the financing of payroll tax by way of recurrent charges; and

(B) have continued to consent to the financing of payroll tax by way of recurrent charges;

(e) costs associated with the operator's head office or management or administration fees, unless the costs or fees are associated with providing services to residents of the retirement village.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(2) In this section:

threshold amount—see the *Payroll Tax Act 2011*, schedule 1, section 1.1

37 Notice accompanying proposed annual budget—Act, s 159 (6) (d)

The notice accompanying a proposed annual budget must include the following statements:

(a) the operator must provide the information in relation to the proposed expenditure that the residents committee or, if there is no residents committee, a resident reasonably requests;

(b) the operator must not spend money received by way of recurrent charges otherwise than in accordance with the approved annual budget, except in a way that would be only—

(i) a minor amendment of the approved annual budget; or

(ii) an amendment between items in the approved annual budget if the amendment does not reduce the level of services provided and does not cause total expenditure to be exceeded;

(c) it is a requirement of the Act, section 159 (Proposed annual budget) that the operator of the village give each resident a copy of the proposed annual budget for the financial year for the village—

(i) on a day, at least 30 days before the beginning of the financial year to which the budget relates, agreed to by the operator and the residents; or

(ii) if no day is agreed—at least 60 days before the beginning of the financial year to which the budget relates;

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(d) it is a requirement of the Act, section 162 (Residents' consent to spending) that the residents—

(i) tell the operator whether they consent or do not consent to the proposed budget; and

(ii) if the residents do not consent to the proposed budget—state which item in the proposed budget they object to;

(e) if the operator is not told whether the residents consent or do not consent to the proposed budget, the residents are taken to have refused consent;

(f) consent by residents to an amendment of recurrent charges under the village contract is not consent to spending stated in the proposed budget.

38 Limit on contingencies in annual budget—Act, s 164

The maximum amount that may be allocated is—

(a) for an annual budget of $200 000 or less—$1 000; and

(b) for an annual budget that exceeds $200 000—0.5% of the total amount of the annual budget.

Division 6.4 Annual accounts

39 Copies of audited accounts—Act, s 169 (8) (a) (ii)

A copy of the audited accounts for the village must be displayed on a notice board in a common area of the village for at least 1 month starting not later than 4 months after the end of the financial year to which the accounts relate.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Division 6.5 Surplus or deficit of accounts

40 Making good of deficit—Act, s 174 (3) (c)

The operator of a retirement village may carry forward a deficit to a later financial year to the extent that the deficit is caused by—

(a) the urgent repair (but not replacement) of a capital item; or

Note ***Urgent***—see the Act, s 136.

(b) an increase in the cost of the following:

(i) utilities (other than telephone);

(ii) statutory charges, including rates and taxes;

(iii) wages and salaries increased under an award or industrial agreement, or a fair work instrument made under the *Fair Work Act 2009* (Cwlth);

(iv) workers compensation and public liability insurance.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Part 7 Disputes

Division 7.1 Dispute resolution

41 Representative for residents in dispute—Act, s 176 (2)

Two or more residents who claim that a dispute mentioned in the Act, section 176 (1) (Disputes between operator and resident—application to ACAT) has arisen may nominate a resident as their representative in the dispute (whether or not the nominated resident is a party to the dispute) if—

(a) each resident who is a party to the dispute signs a statement to the effect that the resident named in the statement is nominated as the signatory's representative; and

(b) the nominated resident gives written consent to the nomination.

Division 7.2 ACAT—applications and orders

42 Time for making ACAT applications

(1) An application to the ACAT under a section of the Act mentioned in an item in schedule 3 (Time for making ACAT applications) must be made within the time mentioned in column 3 of the item.

(2) An application to the ACAT under any other section of the Act may be made at any time.

43 ACAT applications by residents committee

(1) The residents committee for a retirement village may, at the request of 1 or more residents of the village, apply to the ACAT on behalf of the resident for an order for which the resident may apply.

(2) The residents committee may apply to the ACAT on behalf of all residents of the village for an order for which a resident may apply if the residents consent to the application.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(3) The residents' consent must be obtained by—

(a) the proposal being put to a meeting of the residents; and

(b) the vote for the proposal being decided by a show of hands.

(4) A resident who does not want to be a party to the proceeding must give the residents committee written notice of that fact before the application to the ACAT is made.

(5) If the residents committee receives a written notice from a resident under subsection (4), the committee must exclude the resident from the application.

44 ACAT may decide other party to application by operator

The ACAT may, if it considers it appropriate to do so, order that 1 or more stated residents of a retirement village, or all the residents of the village, are the other parties to an application to the ACAT by the operator of the village.

45 ACAT additional orders—Act, s 181 (1) (k)

The ACAT may amend, set aside or stay an order of the ACAT in force under the Act.

46 Differential orders

The ACAT may make different orders in relation to different residents of a retirement village in deciding—

(a) an application to which 2 or more residents of the village are parties (whether the application was made jointly by the residents or by the residents committee on behalf of the residents); or

(b) an application made by the operator of the village to which 2 or more residents are the other parties.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Part 8 Ending residence contracts

Division 8.1 General principles about ending residence contracts

47 Time for giving notice to end contract—Act, s 184 (2)

(1) A notice mentioned in the Act, section 184 (Notice of intention to seek ending of contract) must be given—

(a) not earlier than 14 days before the intending applicant applies to the ACAT for an order to end a residence contract; and

(b) not later than the time the intending applicant makes the application to the ACAT.

(2) If the intending applicant does not apply to the ACAT for the order within 14 days after giving the notice, the intending applicant must give a new notice within the time required under subsection (1) before the application may be made.

(3) This section does not apply to an application to the ACAT under the Act, section 190 (Ending on grounds of upgrade or change of use).

Note Under the Act, s 190 (2), the operator is required to give the resident at least 12 months written notice of the operator's intention to apply to the ACAT for an order ending the resident's residence contract.

Division 8.2 Uncollected goods

48 Meaning of *uncollected goods*—div 8.2

In this division:

uncollected goods, of a former occupant of residential premises in a retirement village, do not include the following:

(a) any additions made to the premises by the former occupant;

(b) any fixtures installed in the premises by the former occupant.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

49 Disposal of perishable and certain other uncollected goods—Act, s 203 (1) (b)

(1) The operator of a retirement village may remove and dispose of goods left in residential premises in the village by a former occupant of the village if the goods are—

(a) perishable foodstuffs; or

(b) goods that it would be unsafe or unhealthy to store.

(2) The operator may remove and dispose of the goods—

(a) if the former occupant's residence contract was ended by an ACAT order—immediately after the day the former occupant vacated the residential premises; and

(b) if the residence contract was ended otherwise than by an ACAT order—at any time after the contract is ended.

50 Storage of other uncollected goods

(1) The operator of a retirement village commits an offence if the operator fails to deal with uncollected goods of a former occupant of the village (other than goods mentioned in section 49 (1)) in accordance with this section.

Maximum penalty: 20 penalty units.

(2) The operator must leave the goods in the residential premises, or store them in a secure place for at least 30 days after—

(a) the day the operator issued a notice under the Act, section 203 (2) (Disposal of uncollected goods); or

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(b) if the operator does not have a forwarding address for the former occupant (or the address of the executor or administrator of the estate of the former occupant)—

(i) if the former occupant's residence contract was ended on an ACAT order—the day the former occupant vacated the residential premises; or

(ii) in any other case—the day the former occupant's residence contract was ended.

51 Claiming uncollected goods

(1) A person who is entitled to possession of uncollected goods of a former occupant of a retirement village may claim the goods at any time before they are destroyed, sold or otherwise dealt with under this division.

(2) If the operator of the village is satisfied, on reasonable grounds, that the person claiming the uncollected goods is entitled to them, the operator must deliver up the goods to the person, free of any charge (other than a removal or storage charge).

(3) The operator may require payment of any reasonable costs and expenses incurred in removing or storing the goods before delivering the goods to the person.

(4) However, if the claim is for some but not all of the goods and the remaining goods are of sufficient value to cover the reasonable costs and expenses of removing or storing all the goods, the operator must deliver the claimed goods to the person without requiring payment for removal or storage.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

52 Disposal of uncollected goods after storage

(1) This section applies to uncollected goods mentioned in section 50.

(2) The operator of a retirement village commits an offence if, at the end of the 30-day period mentioned in section 50 (2), the operator fails to deal with the uncollected goods in accordance with this section.

Maximum penalty: 20 penalty units.

(3) The operator must send any uncollected personal documents of a former occupant of the village to—

(a) the former occupant's forwarding address; or

(b) the address of the executor or administrator of the former occupant's estate.

(4) If the operator does not have an address mentioned in subsection (3), the operator must—

(a) if possible, return the personal documents to their place of origin; and

Examples

- return financial statements to the issuing financial institution
- return a licence to the issuing authority
- return a passport to the Commonwealth Government

(b) keep the other personal documents in a secure place for at least 6 months, and then dispose of them as the operator sees fit, taking reasonable steps to ensure the privacy of the former occupant or any other person.

(5) If the operator believes on reasonable grounds that an individual item of uncollected goods (other than a personal document) is worth less than $100, the operator may give the item to a charitable organisation or otherwise dispose of it.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(6) The operator must sell by public auction any item of uncollected goods (other than a personal document) that the operator believes on reasonable grounds is worth $100 or more.

(7) In this section:

personal documents, of a former occupant, means certificates, financial records and statements, licences, medical records, passports, personal correspondence, photographs and any other document the former occupant (or a member of the former occupant's family) would reasonably be expected to want to keep.

53 Records and accounting

(1) The operator of a retirement village must make and keep for at least 2 years a record of all uncollected goods that the operator disposes of under section 52.

(2) The operator must account to the former occupant (or to the executor or administrator of the former occupant's estate) for the balance of the proceeds of the sale of the goods after the deduction of the reasonable costs of removing, storing and selling the goods.

(3) However, if the operator does not have an address mentioned in section 52 (3), the balance of the proceeds must be dealt with as unclaimed amounts under the *Unclaimed Money Act 1950*, part 3 (Unclaimed amounts payable by companies).

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Part 9 Prescribed rates of interest

54 Prescribed rate of interest—Act, s 213 (3)

The prescribed rate of interest is the rate prescribed for the Act, section 41 (5) (b).

Note The rate for the Act, s 41 (5) (b) is prescribed by s 9.

55 Prescribed rate of interest—Act, s 235 (6) (b)

The prescribed rate of interest is the rate prescribed for the Act, section 41 (5) (b).

Note The rate for the Act, s 41 (5) (b) is prescribed by s 9.

56 Prescribed rate of interest—Act, s 237 (3)

The prescribed rate of interest is the rate prescribed for the Act, section 41 (5) (b).

Note The rate for the Act, s 41 (5) (b) is prescribed by s 9.

57 Prescribed rate of interest—Act, s 238 (8) (b)

The prescribed rate of interest is the rate prescribed for the Act, section 41 (5) (b).

Note The rate for the Act, s 41 (5) (b) is prescribed by s 9.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Part 10 Protection of ingoing contributions paid by residents other than registered interest holders

58 Refund of ingoing contribution—Act, s 241 (1) (b)

The amount of $10 000 is prescribed.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Part 11 Consent of residents

59 Conduct of written ballots generally—Act, sch 1, s 1.3 (1) (b)

A written ballot must be conducted in accordance with schedule 4, part 4.2 (Conducting a written ballot).

60 When written ballot required—Act, sch 1, s 1.3 (2)

(1) The residents of a retirement village may decide, by a show of hands at any meeting at which a particular measure or action is discussed, whether the vote on the measure or action is to be taken by a written ballot.

(2) If 50% or more of the residents present at the meeting decide that the vote is to be taken by a written ballot, the vote must be taken by a written ballot.

Note A written ballot is also required if a measure or action requires a special resolution (see Act, sch 1, s 1.5).

60A Conduct of written ballots for special resolutions—Act, sch 1, s 1.5

A written ballot in relation to a measure or action requiring a special resolution must be conducted in accordance with schedule 4—

(a) part 4.2 (Conducting a written ballot); and

(b) part 4.3 (Additional requirements for special resolution).

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Part 12 Miscellaneous

61 Resident—Act, dict, def *resident*, par (b) (ii)

(1) A person to whom subsection (2) applies is prescribed.

(2) This subsection applies to a person who—

(a) is the domestic partner of another resident; and

(b) occupies residential premises in the retirement village with the other resident; and

(c) continues to occupy the residential premises after the other resident dies or permanently vacates the premises.

Note ***Domestic partner***—see the Legislation Act, s 169 (1).

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Schedule 1 Contents of village contracts

(s 13 (1))

Part 1.1 Matter to be included in village contracts

1.1 Information to be included in village contract

A village contract for a resident in a retirement village must include the following information:

(a) the name of the retirement village to which the contract relates;

(b) the address in the village of the resident's residential premises;

(c) the full names of the parties to the contract;

(d) the signatures of the parties to the contract;

(e) the name and address of an operator of the village who is not a party to the contract;

(f) the name and address of the resident's agent (if any) appointed under the Act, section 101 (Right to appoint agent);

(g) the date the disclosure statement and the information under the Act, section 28 (Information to be given to prospective residents) were given to the resident (or a person acting on the resident's behalf);

(h) the date the contract is made;

(i) if the operator is the other party to the contract—

(i) the name and address of the operator's agent (if any);

(ii) the date the copy of the contract was given to the resident (or a person acting on the resident's behalf);

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(iii) the amount of any ingoing contribution payable by the resident and the date by when it must be paid;

(iv) the amount of recurrent charges payable by the resident as at the date the contract is drafted;

(v) the date from which those charges become payable;

(vi) the date agreed as the date the resident is entitled to occupy the premises (subject to completion of construction, and not precluding an earlier date if an earlier date is later agreed between the operator and the resident);

(j) a provision reflecting the Act, section 88 (Compliance with village rules by people other than operator and residents);

(k) if a residence contract entitles the resident to the use of a garage, parking space or storeroom—details of the garage, parking space or storeroom.

1.1A Time for payment of ingoing contribution instalments

(1) This section applies if a village contract provides that the ingoing contribution must be paid in instalments at intervals stated in the contract.

(2) The village contract must state the day that the balance of the ingoing contribution is payable.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Part 1.2 Headings and additional matter to be included in village contracts

1.2 Cooling-off period

(1) A village contract must include a clause with the heading 'Cooling-off period' printed in bold font.

(2) The clause must—

(a) explain the resident's rights to rescind the contract free of any loss or penalty during the cooling-off period; and

(b) state—

(i) the length of the cooling-off period; and

(ii) the method by which the resident can rescind the contract; and

(iii) the time within which any money the rescinding party has paid under the contract is to be repaid.

(3) A residence contract must include a statement to the effect that the cooling-off period is waived if the resident begins living in the premises.

1.3 Retirement village legislation

(1) A village contract must include a clause with the heading 'Retirement village legislation' printed in bold font.

(2) The clause must include a statement—

(a) about the existence of the Act and this regulation; and

(b) to the effect that the contract is subject to the provisions of the Act and this regulation.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

1.4 Ingoing contribution

(1) A village contract must include a clause with the heading 'Ingoing contribution' printed in bold font.

(2) The clause must include the following:

(a) if an ingoing contribution is to be paid by instalments—a statement setting out the conditions under which it is to be paid;

(b) a statement about whether interest is payable to the resident while the operator has use of the ingoing contribution;

(c) if part or all of the ingoing contribution is to be non-refundable—a statement to that effect;

(d) a statement about how much of the ingoing contribution the resident will get back if, after the cooling-off period, the resident—

(i) dies before taking up residence in the residential premises; or

(ii) after taking up residence, permanently vacates the premises within the period stated in the contract.

1.5 Recurrent charges

(1) A village contract must include a clause with the heading 'Recurrent charges' printed in bold font.

(2) The clause must include the following:

(a) the intervals or dates when any recurrent charges are payable under the contract;

(b) how the recurrent charges may be paid;

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(c) if recurrent charges payable by the resident are to be amended in accordance with a fixed formula—

(i) the intervals or dates when recurrent charges are to be amended; and

(ii) the fixed formula used to decide amendments in the amount of recurrent charges; and

(iii) the amount of written notice (not less than 14 days) that will be given to the resident to amend the amount of recurrent charges;

(d) if recurrent charges payable by the resident may be amended other than in accordance with a fixed formula—

(i) the intervals or dates when the operator may propose an amendment of the amount of recurrent charges; and

(ii) any upper limit by which the operator agrees not to propose an increase; and

(iii) the amount of written notice (not less than 60 days) that will be given to the resident if an amendment is proposed; and

(iv) a statement to the effect that the amount of recurrent charges cannot be amended unless affected residents consent to the amendment or the ACAT orders the amendment to take effect;

(e) a statement to the effect that if the resident is absent from the village for any reason for at least the period (of not more than 28 consecutive days) stated in the contract, the resident is not liable for recurrent charges for optional services in relation to the remainder (if any) of that absence;

(f) a statement about whether the resident is liable to continue to pay recurrent charges after permanently vacating the premises and, if so, for what period and under what conditions.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

1.6 Services and facilities

(1) A village contract must include a clause with the heading 'Services and facilities' printed in bold font.

(2) The clause must include the following:

(a) a description of all services provided or made available to the resident by, or on behalf of, the operator;

(b) a statement about any additional or optional services available to the resident on a 'user pays' basis, and the cost of those services as at the date of preparation of the contract;

(c) a list of all facilities within the village available for the resident's use.

(3) The contract must identify any services or facilities that the development consent for the village requires to be provided for the life of the village.

(4) Representations (if any) about proposed services or facilities made before the contract is entered into—

(a) must be stated in the contract; and

(b) must identify the service or facility; and

(c) must state the date by when that service or facility is to be provided or made available.

(5) The contract—

(a) may distinguish between general services and optional services; and

(b) if it does, must include a statement to the effect that the ACAT has the power to override this determination in the event of a dispute.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(6) The contract must include a statement drawing the resident's attention to the fact that services and facilities may be reduced or (except for those required by the development consent to be provided for the life of the village) withdrawn or otherwise amended, but only if the residents of the village pass a special resolution in accordance with the provisions of the Act.

(7) The contract must make it clear that the resident has no right to compensation if services or facilities are reduced or withdrawn or otherwise amended in accordance with a special resolution of the residents.

1.7 Fixtures, fittings and furnishings

(1) A village contract must include a clause with the heading 'Fixtures, fittings and furnishings' printed in bold font.

(2) The clause must list the fixtures, fittings and furnishings that are to be provided in the residential premises.

1.8 Repairs and maintenance

(1) A village contract must include a clause with the heading 'Repairs and maintenance' printed in bold font.

(2) The clause must set out the process by which the resident can ask the operator to carry out necessary repairs and maintenance.

1.9 Alterations and additions

(1) A village contract must include a clause with the heading 'Alterations and additions' printed in bold font.

(2) The clause must—

(a) state the conditions under which a resident may alter or add to the residential premises; and

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(b) include a provision to the effect that the resident may, at any time before permanently vacating the premises, remove any fixture that the resident has added to the premises.

1.10 Operator's access to premises

(1) A village contract must include a clause with the heading 'Operator's access to premises' printed in bold font.

(2) The clause must set out the circumstances under which the operator, or a person authorised by the operator, may enter the residential premises.

1.11 Village rules

(1) A village contract must include a clause with the heading 'Village rules' printed in bold font.

(2) The clause must include a statement to the effect that if a village rule is inconsistent with a term of a village contract—

(a) the village rule prevails to the extent of the inconsistency; but

(b) if the inconsistent term of the village contract is a standard term, the term prevails over the rule.

1.12 Dispute resolution

(1) A village contract must include a clause with the heading 'Dispute resolution' printed in bold font.

(2) The clause must—

(a) set out the resident's right to apply to the ACAT if the resident considers a term of the contract to be harsh, oppressive, unconscionable or unjust; and

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(b) draw the resident's attention to the existence of the ACAT, and the resident's right to apply for a range of orders from the ACAT, including the following:

(i) an order that amends or sets aside a provision of the contract or a village rule that conflicts with the Act;

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see Legislation Act, s 104).

(ii) an order that the operator comply with the Act;

(iii) an order to enforce a provision of the contract or a village rule.

1.13 Changes in operator

(1) A village contract must include a clause with the heading 'Changes in operator' printed in bold font.

(2) The clause must—

(a) include a statement to the effect that the terms of the contract are enforceable against an operator of the village; and

(b) if a trustee is involved—set out the conditions on which the trustee is appointed and any rights the resident may have because of that appointment.

1.14 Ending the contract

(1) A village contract must include a clause with the heading 'Ending the contract' printed in bold font.

(2) The clause must—

(a) set out the methods by which the contract may be ended, including a list of the grounds on which the resident or operator may apply to the ACAT to end the contract; and

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(b) include a statement to the effect that the contract cannot be ended by the operator unless the operator obtains an order from the ACAT.

1.15 Transfers

(1) A village contract must include a clause with the heading 'Transfers' printed in bold font.

(2) The clause must—

(a) set out the conditions, if any, under which the resident may ask for a transfer to other residential premises within the retirement village, or to other accommodation for older people run by the same operator; and

(b) disclose the general financial basis on which a transfer may be effected.

(3) If the operator of the retirement village has an associated facility that is a residential care home, the clause must also include a statement to the effect that—

(a) places in those facilities are allocated on the basis of a resident's needs; and

(b) entry is subject to approval for access; and

(c) a transfer to the associated facility cannot be guaranteed.

1.16 Departure fees

(1) A village contract must include a clause with the heading 'Departure fees' printed in bold font.

(2) The clause must—

(a) state whether a departure fee is payable by the resident on the ending of the contract; and

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(b) if a departure fee is payable—set out the method of working out the departure fee; and

(c) include a statement to the effect that no departure fee is payable in relation to any period after the resident permanently vacates the premises.

1.17 Capital gain or loss

(1) A village contract must include a clause with the heading 'Capital gain or loss' printed in bold font.

(2) The clause must state—

(a) whether any capital gain or loss, or increase in ingoing contribution paid by the incoming resident, is to be shared between the resident and the operator; and

(b) if so—the relevant percentages.

1.18 Refund of payment to resident

(1) A village contract must include a clause with the heading 'Refund of payment to resident' printed in bold font.

(2) The clause must—

(a) set out in full the method of working out any refund or payment due to the resident on ending the contract, the time for its payment and any relevant conditions on its payment; and

(b) if 2 or more residents are parties to the contract—

(i) state whether a partial refund is payable if 1 resident permanently vacates the residential premises; and

(ii) if so, the circumstances under which a partial refund is payable.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

1.19 Changes to this contract

(1) A village contract must include a clause with the heading 'Changes to this contract' printed in bold font.

(2) The contract must include a statement to the effect that the resident is not obliged to agree to amend the contract, or to end the contract and enter into a new one, because of changes in legislation (unless the legislation requires the amendment or ending) or for any other reason.

1.20 Annexures

(1) A village contract must include a clause with the heading 'Annexures' printed in bold font.

(2) The clause must mention the following, which must be annexed to the contract:

(a) a copy of the disclosure statement given to the resident;

(b) a copy of the current village rules (if any);

(c) a copy of any applicable condition report.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Schedule 2 Matter to be excluded from village contracts

(s 13 (2))

2.1 Dispute resolution

A village contract must not require the parties to the contract to attempt to resolve disputes between them by any process other than the process provided under the Act.

2.2 Wills

A village contract must not require a resident to have a will or to tell the operator about the location of a will.

2.3 Insurance

(1) A village contract must not include a provision under which the resident is required, or agrees, to take out an insurance policy, including contents insurance, ambulance fund or other form of health insurance.

(2) However, the contract may require a resident who uses a motorised wheelchair to take out appropriate insurance in relation to the wheelchair.

2.4 Legal, accounting and other expenses

A village contract must not include a provision enabling a resident to be charged individually for legal, accounting or other services incurred by the operator in—

(a) corresponding with the resident or a person acting on the resident's behalf; or

(b) enforcing the contract.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

2.5 Absences

A village contract must not restrict the time a resident may be absent from the village.

2.6 Penalty terms

A village contract must not provide that, if a resident breaches the contract or the village rules, the resident is liable to pay—

(a) an increased amount of recurrent charges; or

(b) an amount as a penalty; or

(c) an amount as liquidated damages.

2.7 Exclusions

A village contract must not include a provision to the effect that a resident will not have the benefit or advantage of any legislation that may come into force and has the effect of relieving the resident of any obligation or liability under the contract.

2.8 Recurrent charges

(1) This section applies to a village contract that makes provision for the recurrent charges payable by a resident to be amended according to a fixed formula.

(2) The formula must not include a component relating to the actual or proposed expenditure of the village.

2.9 Disclaimers

A village contract must not include a provision removing liability from the operator for any negligent act or omission by the operator, its employees or agents.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

2.10 Entire agreement

A village contract must not include a provision to the effect that the written contract represents the entire agreement between the parties to the contract.

2.11 Current value of premises

A village contract must not include a provision that requires a former occupant to pay the difference between—

(a) any value determined for, or assigned to, the occupant's residential premises (by the operator or otherwise) before a village contract with a prospective resident in relation to the premises is entered into; and

(b) the amount paid by a prospective resident under a village contract for the premises.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Schedule 3 Time for making ACAT applications

(s 42 (1))

column 1 item	column 2 section	column 3 time during which application may be made
1	27 (2)	not earlier than 14 days after date of request for general inquiry document or disclosure statement
2	57 (3)	not earlier than 1 month after service of rescission notice
3	57 (9) (a)	up to 3 months after date of rescission
4	57 (9) (b)	up to 3 months after date of rescission
5	58 (4)	up to 3 months after date of rescission
6	85 (4)	up to 30 days after date of notification of refusal to consent
7	153 (6)	no earlier than 14 days after date of request by residents committee under section 153 (4)
8	154 (1)	up to 30 days after date of notification of refusal to consent or, if residents do not notify, up to 14 days after end of period under section 153 (2)
9	161	not earlier than 59 days immediately before commencement of the financial year and any time until the end of the financial year
10	186 (2)	up to 7 days after date of notification of differing opinion as to condition of premises
11	188 (1)	not later than 14 days after service of notice under section 184
12	188 (2)	not later than 14 days after service of notice under section 184
13	189 (1)	up to 30 days after alleged incident became known to operator

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

column 1 item	column 2 section	column 3 time during which application may be made
14	195 (2)	up to 30 days after date set for vacation by earlier ACAT order
15	202 (2)	any time before goods are disposed of under section 203
16	203 (1)	not earlier than 30 days after date of notice required under section 203 (2) if the notice cannot be given, application cannot be made earlier than 30 days after the date— (a) if the residence contract was ended by an ACAT order—the former occupant vacated premises; or (b) in any other case—the residence contract was ended
17	206 (2)	up to 12 months after date operator deals with the goods
18	219 (4)	up to 3 months after date of receipt of claim
19	238 (6)	not earlier than 1 month before end of period mentioned in section 238 (2) (h) and not later than 14 days after end of that period
20	240 (3) (a)	up to 14 days after due date for payment

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Schedule 4 Conduct of written ballots

(s 59)

Part 4.1 Preliminary

4.1 Definitions—sch 4

In this schedule:

ballot means a ballot conducted at a meeting of residents of a retirement village.

qualified voter, for a ballot, means a resident of the retirement village where the ballot is conducted.

returning officer, for a ballot, means a person elected as returning officer under section 4.3.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Part 4.2 Conducting a written ballot

4.2 Application—pt 4.2

This part applies if a written ballot is required at a meeting of residents of a retirement village.

Note A written ballot may be required under s 60 and is required for a special resolution (see Act, sch 1, s 1.5).

4.3 Election of returning officer

(1) The residents of a retirement village must elect a returning officer for a written ballot by a show of hands at a meeting of the residents.

(2) A person is eligible to be selected as a returning officer for a written ballot if the person is—

(a) a resident of the retirement village; and

(b) not a member of the residents committee; and

(c) not standing for election to the residents committee.

4.4 Conduct of written ballot

(1) Before the meeting for a written ballot, the ballot papers must be prepared by—

(a) the residents committee for the retirement village; or

(b) if the residents committee has not convened the meeting or there is no residents committee for the village—the operator of the village.

(2) Enough ballot papers must be prepared so that a ballot paper can be given to each qualified voter.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(3) The ballot paper must contain details of the measure or action for which the ballot is being held and directions about the way a vote is to be recorded and returned to the returning officer.

Example

The ballot paper may have the question to be answered followed by a 'yes' box and a 'no' box and instructions that the vote clearly mark one of the boxes with a tick or cross.

(4) At the meeting, the returning officer must give each qualified voter (or if the qualified voter has a proxy, the voter's proxy) a ballot paper initialled by the person who prepared the ballot paper.

(5) In order to vote on the resolution at the meeting, a qualified voter (or if the qualified voter has a proxy, the voter's proxy) must do the following:

(a) record a vote on the ballot paper in accordance with the directions shown on it;

(b) fold the completed ballot paper so that the vote cannot be seen;

(c) place the ballot paper in the ballot box.

4.5 Counting and reporting votes

(1) The returning officer must, as soon as practicable after a vote is completed, work out the result of the vote by counting the votes, including any proxy or postal votes.

(2) When the result of the vote is worked out, the returning officer must—

(a) announce the result; and

(b) prepare a written report of the result; and

(c) give copies of the report to the residents.

(3) The returning officer must—

(a) give copies of the report to the residents committee (if any); and

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(b) place a copy of the report on a notice board in a communal area within the retirement village.

4.6 Returning officer's decision final

A decision of the returning officer in relation to a vote is final.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Part 4.3 Additional requirements for special resolution

4.7 Application—pt 4.3

This part applies if a measure or action relating to a retirement village requires a special resolution.

4.8 Special resolution—notice

(1) A resolution about a measure or action requiring a special resolution must be put to a meeting of the residents of the village.

(2) Each resident of the village must be given at least 21 days written notice of the meeting by—

(a) the residents committee for the village; or

(b) if the residents committee has not convened the meeting or there is no residents committee for the village—the operator of the village.

(3) However, for a vote under the Act, section 112 (5) in relation to a special resolution at a meeting, each resident must be given at least 14 days written notice of the meeting.

Note Under the Act, s 112 (5), residents of a village may vote at a meeting to allow each resident occupying the same residential premises to have a separate vote at the meeting.

(4) The notice must—

(a) include the resolution; and

(b) state that the resolution is to be put as a special resolution; and

(c) state that residents of the village may cast their vote, in writing, before the meeting; and

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(d) state that, if a resident wishes to cast their vote before the meeting, the resident may—

(i) ask the entity that convened the meeting for a ballot paper; and

(ii) cast a postal vote in accordance with section 4.9.

4.9 Special resolution—postal vote

(1) A qualified voter may, before a meeting for a special resolution, cast a vote (a ***postal vote***) by giving it in writing to—

(a) the residents committee; or

(b) if the residents committee has not convened the meeting or there is no residents committee for the village—the operator of the village.

(2) A postal vote received before the meeting must be kept in a safe and secure place.

(3) At the meeting, each postal vote must be—

(a) accounted for against a current list of residents; and

(b) handed to the returning officer.

(4) If a qualified voter has cast a postal vote in accordance with this section, the voter cannot—

(a) change or withdraw the postal vote; or

(b) vote in person or by proxy at the meeting in relation to the special resolution.

4.10 Special resolution—quorum

(1) A special resolution submitted at a meeting of the residents of a retirement village must not be considered unless a quorum is able to vote on the resolution at the meeting, either personally, by postal vote or by proxy.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

(2) A quorum is made up by 1 of the following:

(a) for a village that is subject to a units plan—a minimum of 1/3 of the qualified voters in the units plan;

(b) for a village that has fewer than 10 occupied residential premises—the qualified voters from a majority of the occupied premises;

(c) in any other case—a minimum of 5 qualified voters, or 1/2 of qualified voters (whichever is the greater).

(3) If a quorum is not present within 1/2 an hour after the resolution arises for consideration at the meeting, the meeting must be adjourned for at least 7 days.

(4) If a quorum is not present within 1/2 an hour after the time fixed for the adjourned meeting, the qualified voters present personally or by proxy or postal vote constitute a quorum for considering the resolution.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Dictionary

(see s 3)

Note 1 The Legislation Act contains definitions relevant to this regulation. For example:

- Act
- Corporations Act
- director-general (see s 163)
- domestic partner (see s 169 (1))
- fail
- human rights commission.

Note 2 Terms used in this regulation have the same meaning that they have in the *Retirement Villages Act 2012* (see Legislation Act, s 148). For example, the following terms are defined in the *Retirement Villages Act 2012*, dict:

- annual management meeting
- approved annual budget
- capital gain
- capital item
- capital maintenance
- capital works fund
- close associate, of the operator of a retirement village
- community title scheme
- company title scheme
- condition report
- disclosure statement
- former occupant
- financial year, of a retirement village
- ingoing contribution
- operator, of a retirement village
- owners corporation
- permanently vacate, residential premises
- proposed annual budget
- prospective resident

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

- proxy
- recurrent charge
- registered provider
- residence contract
- residential care home
- residential premises
- resident, of a retirement village
- residents committee
- retirement village
- special resolution
- village contract
- village rules.

ballot, for schedule 4 (Conduct of written ballots)—see schedule 4, section 4.1.

prevention of elder abuse strategy—see section 18A (1).

qualified voter, for a ballot, for schedule 4 (Conduct of written ballots)—see schedule 4, section 4.1.

returning officer, for a ballot, for schedule 4 (Conduct of written ballots)—see schedule 4, section 4.1.

uncollected goods, for division 8.2 (Uncollected goods)—see section 48.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

A = Act
AF = Approved form
am = amended
amdt = amendment
AR = Assembly resolution
ch = chapter
CN = Commencement notice
def = definition
DI = Disallowable instrument
dict = dictionary
disallowed = disallowed by the Legislative Assembly
div = division
exp = expires/expired
Gaz = gazette
hdg = heading
IA = Interpretation Act 1967
ins = inserted/added
LA = Legislation Act 2001
LR = legislation register
LRA = Legislation (Republication) Act 1996
mod = modified/modification
NI = Notifiable instrument
o = order
om = omitted/repealed
ord = ordinance
orig = original
par = paragraph/subparagraph
pres = present
prev = previous
(prev...) = previously
pt = part
r = rule/subrule
reloc = relocated
renum = renumbered
R[X] = Republication No
RI = reissue
s = section/subsection
sch = schedule
sdiv = subdivision
SL = Subordinate law
sub = substituted
underlining = whole or part not commenced or to be expired

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

3 Legislation history

Retirement Villages Regulation 2013 SL2013-5
notified LR 1 March 2013
s 1, s 2 commenced 1 March 2013 (LA s 75 (1))
remainder commenced 4 March 2013 (s 2 and see Retirement Villages Act 2012 A2012-38, s 2 and LA s 79)

as amended by

Retirement Villages Amendment Regulation 2013 (No 1) SL2013-21
notified LR 15 August 2013
s 1, s 2 commenced 15 August 2013 (LA s 75 (1))
remainder commenced 16 August 2013 (s 2)

Justice and Community Safety Legislation Amendment Act 2014 (No 2) A2014-49 sch 1 pt 1.15
notified LR 10 November 2014
s 1, s 2 commenced 10 November 2014 (LA s 75 (1))
sch 1 pt 1.15 commenced 17 November 2014 (s 2)

Retirement Villages Amendment Act 2016 A2016-30 pt 3
notified LR 16 June 2016
s 1, s 2 commenced 16 June 2016 (LA s 75 (1))
pt 3 commenced 16 December 2016 (s 2 and LA s 79)

Retirement Villages Amendment Regulation 2016 (No 1) SL2016-27
notified LR 8 September 2016
s 1, s 2 commenced 8 September 2016 (LA s 75 (1))
remainder commenced 16 December 2016 (s 2 and see Retirement Villages Amendment Act 2016 A2016-30, s 2 and LA s 79)

Retirement Villages Legislation Amendment Act 2019 A2019-10 pt 5
notified LR 11 April 2019
s 1, s 2 commenced 11 April 2019 (LA s 75 (1))
pt 5 commenced 1 July 2019 (s 2 (1) and CN2019-11)

Justice and Community Safety Legislation Amendment Act 2021 A2021-3 pt 18
notified LR 19 February 2021
s 1, s 2 commenced 19 February 2021 (LA s 75 (1))
pt 18 commenced 26 February 2021 (s 2 (1))

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Fair Trading and Other Justice Legislation Amendment Act 2022 A2022-8 pt 9

notified LR 11 May 2022
s 1, s 2 commenced 11 May 2022 (LA s 75 (1))
pt 9 commenced 12 May 2022 (s 2 (1))

Planning (Consequential Amendments) Act 2023 A2023-36 sch 1 pt 1.57

notified LR 29 September 2023
s 1, s 2 commenced 29 September 2023 (LA s 75 (1))
sch 1 pt 1.57 commenced 27 November 2023 (s 2 (1) and see Planning Act 2023 A2023-18, s 2 (2) and CN2023-10)

Retirement Villages Amendment Regulation 2025 (No 1) SL2025-1

notified LR 27 February 2025
s 1, s 2 commenced 27 February 2025 (LA s 75 (1))
remainder commenced 27 May 2025 (s 2)

Retirement Villages Amendment Regulation 2025 (No 2) SL2025-14

notified LR 24 July 2025
s 1, s 2 commenced 24 July 2025 (LA s 75 (1))
remainder commenced 25 July 2025 (s 2)

Justice and Community Safety Legislation Amendment Act 2025 (No 3) A2025-22 sch 1 pt 1.7

notified LR 12 September 2025
s 1, s 2 commenced 12 September 2025 (LA s 75 (1))
sch 1 pt 1.7 commenced 1 November 2025 (s 2 (3) (a) and see Aged Care Act 2024 (Cwlth) s 7)

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

4 Amendment history

Commencement
s 2 om LA s 89 (4)

General inquiry document—Act, s 23 (2)
s 6A ins A2016-30 s 57
am A2025-22 amdt 1.25

Disclosure statement—Act, s 24 (3)
s 7 sub A2016-30 s 58
am A2023-36 amdt 1.334; A2025-22 amdt 1.26

Prevention of elder abuse strategy—Act, s 91 (2) (h)
s 18A ins SL2025-1 s 4

Prevention of elder abuse strategy—publication and availability
s 18B ins SL2025-1 s 4

Prevention of elder abuse strategy—review
s 18C ins SL2025-1 s 4

Membership of residents committee—Act, s 104 (1)
s 20 am SL2025-1 ss 5-7

Questions at annual meeting—Act, s 110 (3) (b)
s 22 am A2014-49 amdt 1.33

Appointment of proxies—Act, s 116 (2)
s 23 am A2022-8 s 224

Notice of amendment—no fixed formula and not exceeding CPI—Act, s 150 (4) (c)
s 31 om SL2016-27 s 4

Notice of amendment—recurrent charges amended otherwise than by fixed formula—Act, s 150 (3) (e)
s 32 hdg sub SL2016-27 s 5
s 32 am SL2016-27 s 5, s 6

Information about recurrent charges not needed to be given—Act, s 153 (5)
s 33 am A2014-49 amdt 1.33

Matters to be dealt with in proposed annual budget—Act, s 159 (5) (a)
s 35 hdg sub A2021-3 s 41

Matters not to be financed by way of recurrent charges—Act, s 159 (5) (b)
s 36 hdg sub A2021-3 s 41
s 36 am SL2013-21 s 4

Notice accompanying proposed annual budget—Act, s 159 (6) (d)
s 37 hdg sub A2021-3 s 41
s 37 sub SL2016-27 s 7

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Representative for residents in dispute—Act, s 176 (2)
s 41 am SL2016-27 s 8

ACAT applications by residents committee
s 43 am SL2025-14 s 4

Storage of other uncollected goods
s 50 am SL2013-21 s 5; ss renum R2 LA

Disposal of uncollected goods after storage
s 52 am SL2013-21 s 6; ss renum R2 LA

Prescribed rate of interest—Act, s 238 (8) (b)
s 57 hdg sub SL2016-27 s 9

Consent of residents
pt 11 hdg sub A2022-8 s 225

Conduct of written ballots generally—Act, sch 1, s 1.3 (1) (b)
s 59 sub A2022-8 s 225

When written ballot required—Act, sch 1, s 1.3 (2)
s 60 exp 4 March 2018 (s 60 (2))
ins A2022-8 s 225

Conduct of written ballots for special resolutions—Act, sch 1, s 1.5
s 60A ins A2022-8 s 225

Transitional
pt 20 hdg om SL2013-21 s 7

Matters not to be financed by way of recurrent charges—Act, s 159 (4) (b)—s 36
s100 om SL2013-21 s 7

Time for payment of ingoing contribution instalments
sch 1 s 1.1A ins A2016-30 s 59

Transfers
sch 1 s 1.15 am A2025-22 amdt 1.27, amdt 1.28

Current value of premises
sch 2 s 2.11 ins A2016-30 s 60

Time for making ACAT applications
sch 3 am SL2016-27 s 10

Definitions—sch 4
sch 4 s 4.1 def ***returning officer*** am SL2025-1 s 8

Application—pt 4.2
sch 4 s 4.2 sub A2022-8 s 226

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Election of returning officer
sch 4 s 4.3 am A2022-8 s 227; ss renum R8 LA; SL2025-1 s 9; SL2025-14 s 5

Conduct of written ballot
sch 4 s 4.4 am A2022-8 s 228; ss renum R8 LA; SL2025-1 s 10, s 11; ss renum R10 LA

Additional requirements for special resolution
sch 4 pt 4.3 hdg am A2022-8 s 229

Special resolution—notice
sch 4 s 4.8 am A2019-10 s 36; ss renum R6 LA; A2022-8 s 230; SL2025-1 s 12, s 13

Special resolution—postal vote
sch 4 s 4.9 am SL2025-1 s 14

Special resolution—quorum
sch 4 s 4.10 am A2019-10 s 37

Modification of Act
sch 5 am SL2013-21 s 8, s 9
exp 4 March 2018 (s 60 (2))

Dictionary
dict am SL2025-1 s 15, s 16; A2025-22 amdt 1.29, amdt 1.30
def ***prevention of elder abuse strategy*** ins SL2025-1 s 17

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R1 4 Mar 2013	4 Mar 2013– 15 Aug 2013	not amended	new regulation
R2 16 Aug 2013	16 Aug 2013– 16 Nov 2014	SL2013-21	amendments by SL2013-21
R3 17 Nov 2014	17 Nov 2014– 15 Dec 2016	A2014-49	amendments by A2014-49
R4 16 Dec 2016	16 Dec 2016– 4 Mar 2018	SL2016-27	amendments by A2016-30 and SL2016-27
R5 5 Mar 2018	5 Mar 2018– 30 June 2019	SL2016-27	expiry of provisions (s 60, sch 5)
R6 1 July 2019	1 July 2019– 25 Feb 2021	A2019-10	amendments by A2019-10
R7 26 Feb 2021	26 Feb 2021– 11 May 2022	A2021-3	amendments by A2021-3
R8 12 May 2022	12 May 2022– 26 Nov 2023	A2022-8	amendments by A2022-8
R9 27 Nov 2023	27 Nov 2023– 26 May 2025	A2023-36	amendments by A2023-36
R10 27 May 2025	27 May 2025– 24 July 2025	SL2025-1	amendments by SL2025-1
R11 25 July 2025	25 July 2025– 31 Oct 2025	SL2025-14	amendments by SL2025-14

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

© Australian Capital Territory 2025

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au